

REMARKS

Claims 22, 26, 48, 70-75, and 78 remain pending.

In the Office Action, the Examiner rejected claims 22, 26, 70, 71, 73, and 75 under 35 U.S.C. § 102(e) as anticipated by Iwasaki et al. (U.S. Patent No. 6,636,399); rejected claims 72, 74, and 78 under 35 U.S.C. § 103(a) as unpatentable over Iwasaki et al. in view of Applicant's Admitted Prior Art ("AAPA"); and rejected claim 48 under 35 U.S.C. § 103(a) as unpatentable over Iwasaki et al. in view of AAPA and Romankiw (U.S. Patent No. 3,908,194).

Applicants submit that the rejections under 35 U.S.C. §§ 102(e) and 103(a) are improper, because Iwasaki et al. does not qualify as a prior art under 35 U.S.C. § 102(e). 35 U.S.C. § 102(e) provides that "[a] person shall be entitled to a patent unless . . . (e) the invention was described in - . . . (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent." M.P.E.P. § 2136.03(I) further provides that "applicant may be able to overcome the 35 U.S.C. 102(e) rejection by proving he or she is entitled to his or her own 35 U.S.C. 119 priority date which is earlier than the reference's U.S. filing date." Applicants note that foreign priority has been claimed in the instant application to a Japanese Application No. JP 8-276912, filed on September 30, 1996. This priority date antedates the effective filing date, i.e., August 22, 1997, of Iwasaki et al. Therefore, Iwasaki et al. does not qualify as prior art under 35 U.S.C. § 102(e), and the rejections of claims 22, 26, 48, 70-75, and 78 under 35 U.S.C. §§ 102(e) and 103(a) should be withdrawn.

In order to perfect the foreign priority claimed under 35 U.S.C. § 119 and

pursuant with M.P.E.P. § 706.02(b), Applicants hereby submit an English translation of the foreign priority document, JP 8-276912, and a statement signed by the translator to the effect that the translation is accurate.

In view of the above, Applicants respectfully request the withdrawal of the rejections under 35 U.S.C. §§ 102 and 103, and the reexamination and timely allowance of the application.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: July 7, 2005

By: 

Qingyu Yin
Ltd. Rec. No.: L0222

Attachments:

1. English language translation of Japanese Patent. Application No. JP 8-276912; and
2. Statement signed by the translator that the translation is accurate.